

REMARKS

CLAIM STATUS

Claims 1-4 and 6-10 are pending in this application. Claim 5 was previously canceled without prejudice or disclaimer. Claims 1, 6, and 10 are independent.

SUMMARY OF OFFICE ACTION

The outstanding Office Action is a non-final Action that again acknowledges the claim for foreign priority and the filing of the priority document. This outstanding Action also presents a rejection of claims 1-4 and 6-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Spyglass (Concepts and Applications: Spyglass Prism, 1997, hereinafter "Spyglass") in view of Fox ("Reducing WWW Latency and Bandwidth Requirements by Real-Time Distillation"; Computer Networks and ISDN Systems; ACM; May, 1996, hereinafter "Fox"), and in further view of Kitamura (U.S. Patent Application Publication No. 2001/0034783 A) and Marmor (U.S. Patent Application Publication No. 2002/0026475 A).

35 U.S.C. §103 REJECTION

Page 2 of the outstanding Action sets forth the statement of the above-noted rejection of claims 1-4 and 6-22 under 35 U.S.C. §103(a) as being unpatentable over Spyglass in view of Fox in further view of Kitamura and Marmor

Spyglass discloses that "as a variety of non-PC devices begin to access the Web, a new challenge is arising how to make the Web's richly-formatted content displayable on these devices" (see page 1, lines 1 to 2 of Spyglass). Spyglass also discloses that "Spyglass Prism is a proxy server application. It is ... software that receives request from a client (the devices), makes requests for documents on behalf of that client, and returns the appropriate content to that requesting client" (underline added; see page 2, lines 4 to 7 and the Figure at page 2 of Spyglass).

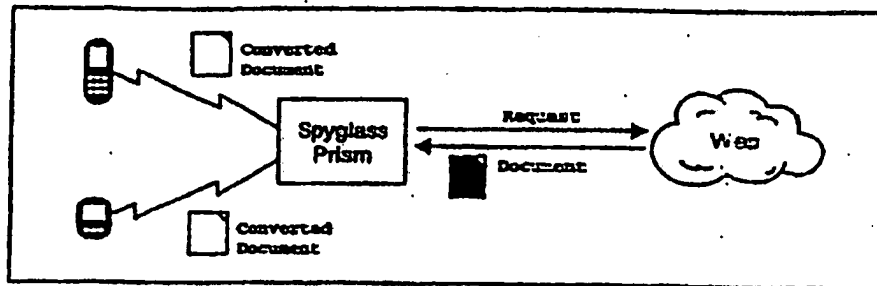
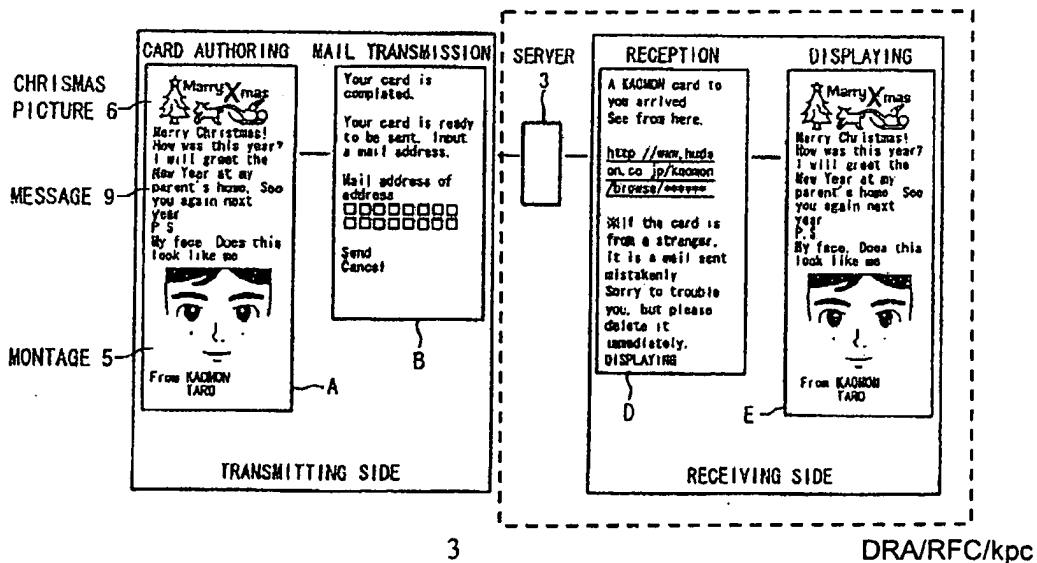


FIGURE at page 2 of Spyglass

On the other hand, newly cited Kitamura discloses that “a transmitter draws his montage by selecting optional parts from various parts of a face stored in a server and by composing these patterns on the display unit of a mobile telephone set. Then, the transmitter stores the finished montage together with a message in the server, and makes the server distribute them to a mobile telephone set of a receiver side” (paragraph [0028]). Kitamura also discloses that “when the receiver opens the mail in response to the termination call, the picture of reception D is displayed on the display unit 10. Then by accessing the address indicated, the picture E is displayed, by which the transmission of the image and the character information is completed” (paragraph [0035]).

Figure 1B of Kitamura



The paragraph bridging pages 4 and 5 of the outstanding Office Action alleges that “it would have been obvious to one of ordinary skill in the art to combine the teaching of Kitamura with Fox-Spyglass in order to allow the image conversion techniques of Fox-Spyglass to be applied to the Christmas card being sent in Kitamura, in order to allow the card to be displayed properly based on the type of receiving device of the destination terminal, thereby allowing the system of Kitamura to be used with a plurality of differing devices, all with varying capabilities” (see the passage bridging between pages 4 and 5 of the Office Action).

However, in Kitamura, the recipient receives the message designated by D, and then accesses to the address displayed in D to obtain an image designated by E (see paragraph [0035]). Therefore, even if one skilled in the art would have had some actual logical reason to combine the teachings of Kitamura and Fox-Spyglass, he/she would merely apply Fox-Spyglass to the broken-line portion show in the above figure of Kitamura (wherein the recipient accesses the displayed address to obtain the image designated by E). In this case, the recipient of Kitamura corresponds to the requesting client of Spyglass. However, the teachings that “the transmitter (sender) of Kitamura designates a mail address of the recipient” don’t relate to the teaching that “the recipient of Kitamura obtains the image designated by E”.

Accordingly, even if one skilled in the art is would have some unknown and undemonstrated logical reason to attempt to combine Spyglass, Fox and Kitamura, he/she would not achieve the claimed invention. Therefore, Applicant believes that the independent claims are patentable over the combination of the cited references.

Also, the Office Action appears to rely on Kitamura as disclosing that “the image sending terminal is different from the destination terminal.” However, if the configuration that “the image sending terminal is different from the destination terminal” is applied to Spyglass, the principle of Spyglass would be changed, and Spyglass could not achieve its object. As pointed out above, Spyglass Prism receives a request from a client (the devices), makes requests for documents on behalf of that client, and returns the appropriate content to that requesting client (underline added; see page 2, lines 4 to 7 of Spyglass).

On the other hand, claim 1 recites that “terminal information acquiring means for receiving the image ... from an image sending terminal (different from the destination terminal)”

and then “sends an image to a destination terminal (different from the image sending terminal).” That is, the destination terminal different from the image sending terminal receives the image from the image-correction processing apparatus. To the contrary, if the configuration that “the image sending terminal is different from the destination terminal” is applied to Spyglass, the requesting client of Spyglass would not receive requested contents from Spyglass Prism (Spyglass Prism would send the requested contents to a destination terminal different from the requesting terminal). This clearly destroys the object of Spyglass (returning the appropriate contents to the requesting client). Accordingly, combining Kitamura and Spyglass does not comply with MPEP 2143.01 V and VI, and the rejection of claims 1-4 and 6-22 under 35 U.S.C. §103(a) is improper and should be withdrawn.

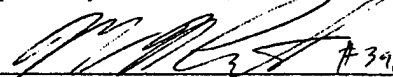
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond F. Cardillo, Jr., Reg. No. 40,440 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: May 13, 2009

Respectfully submitted,

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